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EXAMINER

GOLBA, TARA M

ART UNIT PAPER NUMBER

3644

DATE MAILED: 04/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

REFERRED TO <u>S. Duncan</u> REC'D
APR 09 2002
Pennie & Edmonds O.K. for filing _____

# Office Action Summary



Application No.

09/866,951

Applicant(s)

GRAHAM, RICHARD C.

Examiner

Tara M. Golba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

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## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign “211” in figure 4, reference signs “317” and “318” in figure 6, reference sign “33” in figure 9, and reference sign “520” in figure 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “322” has been used to designate both a loop in figure 5 and a hole in figure 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show an angle “15” from about 30 to about 90 degrees as described in the specification on page 4, line 32. The angle 15 shown in figure 1 is greater than 90 degrees, as is angle 315 (shown in figure 5). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because of the following informalities: On page 1, line 5, "rest" should be --rests--. On page 1, line 23, "unattached end" should be --unattached ends--. On page 2, line 13, "a sportsmen" should be --a sportsman--. On page 4, line 4, "rests be fitted" should be --rests may be fitted--. On page 5, line 24, "second end section 114" should be --second end section 113--. On page 6, line 6, "second end section 214" should be --second end section 213--. On page 7, line 2, "second end section 314" should be --second end section 313--. On page 8, line 17, "second end section 414" should be --second end section 413--. On page 8, line 32, "gun rest 400" should be --gun rest 500--. On page 9, line 4, "second end section 514" should be --second end section 513--.

Appropriate correction is required.

*Claim Objections*

5. Claims 2, 12, 13, and 24 are objected to because of the following informalities: In claims 2, 13, and 24, "the round end" should be --the round end of the tear-drop-- in order to ensure clarity of the statement. In claim 12, line 12, "bent at he intermediate section" should be --bent at the intermediate section--, and in line 15, "first end section of the place" should be --first end section of the plate--. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claims 1, 12, and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to claims 1, 12, and 23, the claims state that “an angle from about 30 degrees to about 90 degrees is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate”. Although this same statement is made in the specification, the drawings fail to illustrate this angle. For example, in figure 1, the angle 15 is shown to be greater than 90 degrees although it is described in the specification as being from about 30 degrees to about 90 degrees. The specification, in conjunction with the drawings, therefore fails to describe the subject matter in such a way as to enable one skilled in the art to make or use the invention.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 23, line 32, the use of the term “commutes” is unclear because the manner in which the term is used in the claim is inconsistent with the following accepted definitions of the word “commute”: 1) make up, compensate; 2) pay in gross; 3) travel back and forth regularly; 4) yield the same mathematical result regardless of order. Furthermore, the term “commutes” is not used in the specification, so it is unclear what applicant intends to mean by this word.

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,241,719 to Memmelaar.

In reference to claim 1, and as the claim is best understood, Memmelaar discloses a plate (figure 1, element 18) containing a first end section (end section of element 18 including opening 20), a second end section (section 22) and an intermediate section (bent region of element 18), wherein the plate is bent at the intermediate section such that an angle is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate (figure 1); and an opening (opening 20) formed in the first end section of the plate through which a shaft (element 12) may be inserted. It is understood that the disclosed invention may be used as a gun rest. Note that it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Memmelaar does not specifically disclose that the angle formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate is from about 30 degrees to about 90 degrees. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a range from about 30 degrees to about 90 degrees for the angle at which the plate is bent, since it has been held that

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where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of U.S. Patent No. 5,829,731 to Dean.

In reference to claim 2, Memmelaar discloses the claimed invention except for the opening being tear-dropped in shape.

Dean teaches a support (figures 1, 2) including a tear-dropped shape opening (element 43) with the point of the tear-drop aligned towards a first end section of the support (element 40) and the round end of the tear-drop aligned towards a second end section of the support (element 30). Dean teaches that the tear-dropped shape permits the support to be used with shafts having a wider range of diameters than would be possible with a circular opening (column 4, lines 7-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a tear-drop shaped opening, as taught by Dean, in the gun rest disclosed by Memmelaar, to permit the rest to be used with shafts having a wide range of diameters.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Dean as applied to claim 2 above, and further in view of U.S. Patent No. 4,784,396 to Scott et al.

In reference to claim 3, Memmelaar, as modified, discloses the claimed invention except for teeth located around at least a portion of the perimeter of the opening.

Scott et al. teaches teeth (figure 2, element 32) located around at least a portion of the perimeter of an opening (element 30), and the reference teaches that these teeth are adapted to

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grip a shaft placed into the opening (column 2, lines 65-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include teeth around at least a portion of the perimeter of an opening, as taught by Scott et al., in the gun rest disclosed by Memmelaar, as modified, in order to permit the rest to grip the shaft placed through the opening in the rest.

14. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Dean as applied to claim 2 above, and further in view of U.S. Patent No. 5,678,348 to Zielinski et al.

In reference to claim 4, Memmelaar, as modified, discloses the claimed invention except for at least a portion of the opening being covered by at least one flexible gripping aid.

Zielinski et al. teaches a shaft support (figure 1) including an opening (figure 3, element 56), wherein at least a portion of the opening is covered by at least one flexible gripping aid (column 3, lines 55-59). Zielinski teaches that these gripping aids hold a shaft securely in place (column 4, lines 36-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least one flexible gripping aid covering at least a portion of an opening, as taught by Zielinski et al., in the gun rest disclosed by Memmelaar, as modified, in order to hold the rest securely on a shaft.

In reference to claim 5, Memmelaar, as modified, does not disclose a flexible gripping aid containing a slit.

Zielinski et al. teaches a flexible gripping aid (element 60) containing a slit (figure 2, element 76). The Zielinski reference teaches that the slits restrain a shaft with respect to the shaft support element, at least until sufficient force is exerted to remove the shaft from the



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opening (column 4, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flexible gripping aid containing a slit, as taught by Zielinski et al., in the gun rest disclosed by Memmelaar, as modified, in order to further secure the rest to a shaft.

15. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of U.S. Patent No. 5,811,720 to Quinnell et al.

In reference to claim 6, Memmelaar discloses the claimed invention except for a retaining device for securing the gun rest to a shaft.

Quinnell et al. teaches a retaining device (figure 6, element 148) securing a gun rest (element 29) to a shaft (element 146). Quinnell teaches that a flexible strap can be fastened to the retaining device in a manner allowing it to transfer recoil energy from a firearm to the gun rest (column 8, lines 16-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a retaining device securing a gun rest to a shaft, as taught by Quinnell et al., in the gun rest disclosed by Memmelaar, as modified, in order to provide for the transfer of recoil energy upon firing of a firearm.

In reference to claim 7, Memmelaar does not disclose a loop formed onto the second end section.

Quinnell et al. teaches a retaining device in the form of a loop (figure 6, element 148) formed onto a section of a gun rest assembly. The reference teaches that a recoil energy-transferring strap can be secured to this loop (column 8, lines 16-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a retaining device in the form of a loop, as taught by Quinnell et al., formed onto the second end

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section of the gun rest disclosed by Memmelaar, to provide a point of attachment for a strap which transfers recoil energy and which secures members of the gun rest assembly together.

In reference to claim 8, Memmelaar does not disclose an opening formed into the second end section of the gun rest.

Quinnell et al. discloses a gun rest retaining device in the form of a loop formed *onto* a section of a gun rest (see discussion of claim 7 above) rather than in the form of an opening formed *into* a section of the rest. Nevertheless, the geometry of the loop does comprise an opening. It would have been obvious to form this opening, i.e. this retaining device, within a section of the rest rather than onto an end section of the rest, since rearranging elements of an invention involves only routine skill in the art.

16. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of U.S. Patent No. 6,276,087 to Singletary.

In reference to claim 9, Memmelaar discloses the claimed invention except for a mounting bracket such that the shaft may be fixed to a surface.

Singletary teaches a gun rest (figure 1, element 10) including a mounting bracket (element 14a) such that a shaft (element 18) may be fixed to a surface (column 4, lines 27-29).

The Singletary reference teaches that this allows the invention to be suited for different environments and usage by enabling it to be removably secured to any particular elevated stationary surface such as a hunting stand, chair, or the like (column 2, lines 17-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a mounting bracket, as taught by Singletary, for the gun rest disclosed by Memmelaar, to allow a shaft to be removably secured to any elevated stationary surface.

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In reference to claim 10, Memmelaar does not disclose a mounting bracket comprising pressure plates and a receptacle.

Singletary teaches a mounting bracket (figure 1, element 14a) including a first pressure plate (figure 2, element 28), connectively attached to a second pressure plate (element 32) with a tightener (element 40); and a receptacle (element 22) permanently attached to the first pressure plate, which forms a generally cylindrical cavity (column 6, lines 63-67). Rather than teaching a cavity perpendicular to the first pressure plate, Singletary shows a cavity which is positioned at a slight angle from the plane perpendicular to the first pressure plate (figure 2). Nevertheless, Singletary teaches that this angled position is a "displaced" position (column 5, lines 12-16), thereby suggesting that the non-displaced position of the cavity would be perpendicular to the first pressure plate. Moreover, Singletary teaches that the user may wish to rotate the device to any desired location (column 7, lines 1-3). It would therefore be obvious to position the cavity taught by Singletary such that it is perpendicular to the pressure plate, since positioning of the device at a perpendicular angle may be desirable to the user. As discussed above in reference to claim 9, the Singletary reference teaches that the mounting bracket allows the invention to be suited for different environments and usage by enabling it to be removably secured to any particular elevated stationary surface such as a hunting stand, chair, or the like (column 2, lines 17-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a mounting bracket with pressure plates and a receptacle perpendicular to the plates, as taught by Singletary, for the gun rest disclosed by Memmelaar, to allow a shaft to be removably secured to any elevated stationary surface.

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In reference to claim 11, Singletary does not specifically teach a nut and bolt tightener. Nevertheless, the tightener (figure 2, element 36) includes a threaded rod (column 4, lines 53-54) secured to a plate by another member (figure 2, where an unlabeled element is positioned between plate 38 and the rod of assembly 36). Although not specifically labeled as a nut and bolt assembly, it is understood that the threaded rod could be called a bolt (defined as a "rod for fastening objects together that usually has a head at one end and a screw thread at the other and is secured by a nut"). Additionally, it would have been obvious to select a nut and bolt assembly as the tightener, since applicant has not disclosed that the specific tightener used solves any stated problem or is for any particular purpose, and it appears that the invention would perform equally well using any tightener such as the well-known nut and bolt assembly.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,438,581 to LaValle in view of U.S. Patent No. 5,666,757 to Helmstadter.

In reference to claim 12, and as the claim is best understood, LaValle discloses a method for improving the accuracy of a sportsman (column 1, lines 11-17), including the steps of: providing a gun rest (figure 1) which comprises a plate containing a first end section (element 1), a second end section (element 2), and an intermediate section (section between elements 1 and 2), wherein the plate is bent at the intermediate section such that an angle is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate (figure 1); and an opening (opening of element 4) such that a shaft (element 5) may be inserted through the opening; providing a shaft (element 5) containing a first end section and a second end section; inserting the first end section of the shaft through the opening in the gun rest (figure 1); slidably adjusting the position of the gun rest on the shaft to the desired height

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(column 2, lines 17-20); and placing a firearm on the gun rest at the intermediate section such that the firearm is cradled between the first end section of the plate and the second end section (figure 2). LaValle does not specifically disclose that the angle formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate is from about 30 degrees to about 90 degrees. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a range from about 30 degrees to about 90 degrees for the angle at which the plate is bent, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Additionally, LaValle discloses that the butt or handle of a firearm is cradled on the plate but not that the forearm of the firearm is cradled between the two end sections of the plate. Nevertheless, LaValle teaches that the firearm can be moved on the plate to achieve fine sighting (column 2, lines 43-45), thereby suggesting that it is within the level of ordinary skill in the art to position the firearm on the plate in the manner necessary to achieve the best alignment for firing. It would therefore be obvious to position another portion of the firearm, i.e. the forearm, between the two end sections of the plate, in the process of positioning the firearm for accuracy.

LaValle does not disclose that the opening is formed in the first end section of the plate, or that the second end section of the shaft is placed upon a surface.

Helmstadter teaches a gun rest (figure 1, element 10) including an opening (figure 4, element 34; column 4, lines 57-59) formed in the first end section of a plate (element 11), which allows the plate to be easily angularly rotated and elevationally shifted on a shaft (column 5, lines 19-22), and a shaft (element 5) inserted through the opening such that the second end

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section of the shaft (element 6) may be placed upon a surface (figure 1). Helmstadter teaches that positioning of the second end section of the shaft in this manner increases the stability of the entire gun rest (column 3, lines 58-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an opening in the first end section of the plate and the step of placing the second end section of a shaft upon a surface, as taught by Helmstadter, in the method for improving the accuracy of a sportsman, as disclosed by LaValle, in order to allow the plate to be easily moved and to increase the stability of the assembly.

18. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaValle in view of Helmstadter as applied to claim 12 above, and further in view of Dean.

In reference to claim 13, Dean teaches the claimed tear-drop opening. See discussion of claim 2 above.

19. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaValle in view of Helmstadter and Dean as applied to claim 13 above, and further in view of Scott et al.

In reference to claim 14, Scott et al. teaches the claimed teeth in the opening. See discussion of claim 3 above.

20. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaValle in view of Helmstadter and Dean as applied to claim 13 above, and further in view of Zielinski et al.

In reference to claim 15, Zielinski et al. teaches the claimed flexible gripping aid. See discussion of claim 4 above.

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In reference to claim 16, Zielinski et al. teaches the claimed slit in the flexible gripping aid. See discussion of claim 5 above.

21. Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaValle in view of Helmstadter as applied to claim 12 above, and further in view of Quinnell et al.

In reference to claim 17, Quinnell et al. teaches the claimed retaining device. See discussion of claim 6 above.

In reference to claim 18, Quinnell et al. teaches the claimed retaining device. See discussion of claim 7 above.

In reference to claim 19, Quinnell et al. teaches the claimed retaining device. See discussion of claim 8 above.

22. Claim 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaValle in view of Helmstadter as applied to claim 12 above, and further in view of Singletary.

In reference to claim 20, Singletary teaches the claimed mounting bracket. See discussion of claim 9 above.

In reference to claim 21, Singletary teaches the claimed mounting bracket. See discussion of claim 10 above.

In reference to claim 22, Singletary teaches the claimed tightener. See discussion of claim 11 above.

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of U.S. Patent No. 6,050,035 to Thompson et al.

In reference to claim 23, and as the claim is best understood, Memmelaar discloses a plate (figure 1, element 18) containing a first end section (end section of element 18 including

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opening 20), a second end section (section 22) and an intermediate section (bent region of element 18) and two sides extending between the first end section and the second end section (figure 1), wherein the plate is bent at the intermediate section such that an angle is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate (figure 1); and an opening (opening 20) formed in the first end section of the plate. It is understood that the disclosed invention may be used as a gun rest. Note that it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Memmelaar does not specifically disclose that the angle formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate is from about 30 degrees to about 90 degrees. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a range from about 30 degrees to about 90 degrees for the angle at which the plate is bent, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Memmelaar does not disclose that the opening extends to one side of the plate (as the term “commutes” is here interpreted to mean).

Thompson et al. teaches a support assembly (figure 1, element 17) including an opening (element 33) which extends to one side of a plate (element 31). Thompson et al. teaches that the opening can be slid over a rod (column 3, lines 6-9). Therefore, it would have been obvious to one having ordinary skill in the art to include an opening extending to one side of a plate, as



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taught by Thompson et al., in the gun rest disclosed by Memmelaar, so that the rest could be slid horizontally onto a shaft.

24. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Thompson et al. as applied to claim 23 above, and further in view of Dean.

In reference to claim 24, Dean teaches the claimed tear-drop opening. See discussion of claim 2 above.

25. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Thompson et al. and Dean as applied to claim 24 above, and further in view of Scott et al.

In reference to claim 25, Scott et al. teaches the claimed teeth in the opening. See discussion of claim 3 above.

26. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Thompson et al. and Dean as applied to claim 24 above, and further in view of Zielinski et al.

In reference to claim 26, Zielinski et al. teaches the claimed flexible gripping aid. See discussion of claim 4 above.

In reference to claim 27, Zielinski et al. teaches the claimed slit in the flexible gripping aid. See discussion of claim 5 above.

27. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memmelaar in view of Thompson et al. as applied to claim 23 above, and further in view of Quinnell et al.

In reference to claim 28, Quinnell et al. teaches the claimed retaining device. See discussion of claim 6 above.

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In reference to claim 29, Quinnell et al. teaches the claimed retaining device. See discussion of claim 7 above.

In reference to claim 30, Quinnell et al. teaches the claimed retaining device. See discussion of claim 8 above.

### *Conclusion*

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,044,747 to Felts

U.S. Patent No. 3,608,225 to Manuel

U.S. Patent No. 3,584,821 to Glebe

U.S. Patent No. 5,544,031 to Blanton

U.S. Patent No. 5,577,695 to Ruckwardt

U.S. Patent No. 5,730,522 to Wyke et al.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara M. Golba whose telephone number is (703) 305-0266. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached at (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

tmg

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